

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
PEDRO FERNANDEZ KENT,  
  
Defendant.

NO. CR23-034 RSM  
  
STIPULATED PROTECTIVE  
ORDER

This matter, having come to the Court's attention on the Stipulation for Entry of a Discovery Protective Order submitted by the United States of America and Defendant Pedro Fernandez Kent, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. **Protected Material.** For purposes of this Order, "Protected Materials" shall include sensitive materials that disclose personal identifying information ("PII")<sup>1</sup> obtained during the investigation, including but not limited to personal information about witnesses, victims, and third parties, and other sensitive information

<sup>1</sup> "PII" includes, but is not necessarily limited to, the information identified in Fed. R. Crim. P. 49.1(a) and includes full names, dates of birth, Social Security numbers (or other identifying information), financial account information (including account numbers), tax information, driver's license numbers, addresses, telephone numbers, location of residences or employment, medical records, school records, juvenile criminal records, and other confidential information. The government has endeavored to redact PII as appropriate, but the parties acknowledge and agree that this will not always be possible, and that in some instances un-redacted PII may be necessary to the defense.

1 obtained during the investigation (collectively, the “Protected Material”). Any produced  
2 Grand Jury transcripts will be considered Protected Material without further designation  
3 by the government. Other information believed by the government to be Protected  
4 Material will be so designated by the government. Said material may include, but is not  
5 limited to, *Giglio* impeachment materials.

6       **2. Production of Protected Material to the Defense.** The United States  
7 will make available copies of the Protected Materials, including those filed under seal, to  
8 defense counsel to comply with the government’s discovery obligations. Possession of  
9 copies of the Protected Materials is limited to attorneys of record and investigators,  
10 paralegals, law clerks, experts, and assistants for the attorneys of record (hereinafter  
11 collectively referred to as “members of the defense team”). Further, the attorneys of  
12 record are required, prior to disseminating any copies of the Protected Materials to  
13 members of the defense team, to provide a copy of this Protective Order to members of  
14 the defense team and obtain their agreement to be bound by the terms and conditions of  
15 this Protective Order.

16       **3. Review of Protected Material by Defendant.** The attorneys of record  
17 and members of Defendants’ defense team may share and review the Protected Material  
18 with a Defendant. When a Defendant resides at the Federal Detention Center (FDC), he  
19 will be permitted to review the Protected Material, consistent with the regulations  
20 established by the BOP for such material, with or without his counsel in a controlled  
21 environment at the FDC, but will be prohibited from printing out, copying, or  
22 disseminating the material. If a Defendant is on pretrial release, he will be permitted to  
23 review the Protected Material at the office of his counsel, but will be prohibited from  
24 printing out, copying, or disseminating the material.

25       **4. Limits on Dissemination of Protected Materials.** The attorneys of  
26 record and members of the defense team acknowledge that providing copies of the  
27 Protected Material to a Defendant and other persons is prohibited and agree not to

1 duplicate or provide copies of the Protected Material to Defendant and other persons.  
2 This order does not limit employees of the United States Attorney's Office for the  
3 Western District of Washington from disclosing the Protected Material to members of the  
4 United States Attorney's Office, federal law enforcement agencies, witnesses, and the  
5 Court. Nor does this order limit employees of the United States Attorney's Office for the  
6 Western District of Washington from disclosing the Protected Material to defense counsel  
7 as necessary to comply with the government's discovery obligations.

8       **5. Future Production of Additional Protected Materials.** Additional  
9 types of discovery items may be deemed by the parties to constitute Protected Material  
10 upon agreement, or (if no agreement can be reached) by further order of the Court.

11       **6. No Waiver.** Nothing in this order should be construed as imposing any  
12 substantive discovery obligations on the government that are different from those  
13 imposed by case law and Rule 16 of the Federal Rules of Criminal Procedure. The  
14 failure to designate any materials as provided in paragraph 2 shall not constitute a  
15 waiver of a party's assertion that the materials are covered by this Protective Order.

16       **7. Use of Protected Material in Court.** Any Protected Material that is  
17 filed with the Court in connection with pre-trial motions, trial, or other matter before  
18 this Court, shall be filed under seal and shall remain sealed until otherwise ordered by  
19 this Court. This does not entitle either party to seal their filings as a matter of course.  
20 The parties are required to comply in all respects with the relevant local and federal  
21 rules of criminal procedure pertaining to the sealing of court documents.

22       **8. Non-Termination.** The provisions of this Order shall not terminate at  
23 the conclusion of this prosecution. Furthermore, at the close of this case, defense  
24 counsel shall return the Protected Material, including all copies of the Protected  
25 Material, to the office of the United States Attorney, or otherwise certify that the  
26 material has been destroyed.  
27

1           9.       **Violation of Order.** Any person who willfully violates this order may  
2 be held in contempt of court and may be subject to monetary or other sanctions as  
3 deemed appropriate by this Court.

4           10.       **Modification of Order.** Nothing in this Protective Order shall prevent  
5 any party from seeking modification of this Order or from objecting to discovery that it  
6 believes to be otherwise improper. The parties agree that in the event that compliance  
7 with this Order makes it difficult for defense counsel to adhere to their Sixth  
8 Amendment obligations, or otherwise imposes an unworkable burden on counsel,  
9 defense counsel shall bring any concerns about the terms of the Order to the attention  
10 of the government. The parties shall then meet and confer with the intention of finding  
11 a mutually acceptable solution. In the event that the parties cannot reach such a  
12 solution, defense counsel shall have the right to bring any concerns about the scope or  
13 terms of the Order to the attention of the Court by way of a motion.

14           11.       **Agreement to Provide Copies of Protected Material to Defendants.**  
15 Upon agreement of counsel for the government, members of a defense team may  
16 provide copies of specific Protected Material, or redacted versions of such material, to  
17 a Defendant. When seeking the government's agreement to give such a copy to a  
18 Defendant, members of the defense team will identify with reasonable particularity,  
19 including (where available) the specific bates numbered pages and or recording  
20 descriptions, the specific material defense counsel proposes to give to a Defendant.  
21 Unless expressly stated otherwise by the government, copies of Protected Material to  
22 be provided to a Defendant will continue to be Protected Material subject to all of the  
23 protections of the Court's Order, with the sole exception that a copy can be given only  
24 to a Defendant (and not shared with anyone else outside the defense team). If counsel  
25 for the government and counsel for a Defendant cannot reach agreement on whether  
26 particular portions of the Protected Material or redacted versions of Protected  
27

1 Material should be given to a Defendant under these conditions, defense counsel  
2 may raise the issue with the Court by way of a motion.

3 12. **No Ruling on Discoverability or Admissibility.** This Protective Order  
4 does not constitute a ruling on the question of whether any particular material is properly  
5 discoverable or admissible and does not constitute any ruling on any potential objection  
6 to the discoverability of any material.

7 13. **No Ruling on Timing of Production.** This Protective Order does  
8 not require the government to provide particular discovery at a time or in a fashion  
9 inconsistent with applicable law.

10 14. **Scope of Order.** This Order applies to Defendants Enoc Martinez  
11 Lopez, Casey Landis, and Anthony Gunderson only.

12 The Clerk of the Court is directed to provide a filed copy of this Protective Order  
13 to all counsel of record.

14 DATED this 30<sup>th</sup> day of March, 2023.

15 

16 RICARDO S. MARTINEZ  
17 UNITED STATES DISTRICT JUDGE  
18

19 Presented by:

20 /s/ Cecelia Gregson

21 CECELIA GREGSON

22 Assistant United States Attorney

23 /s/ Dennis Carroll

24 DENNIS CARROLL

25 Assistant Federal Public Defender

26 *Per email authorization*  
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